

JOSEPH P. RUSSONIELLO (CSBN 44332)
United States Attorney

BRIAN J. STRETCH (CSBN 163973)
Chief, Criminal Division

DAVID B. COUNTRYMAN (CSBN 226995)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-7303
Fax: (415) 436-7234
E-mail: david.countryman@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. C 07-06353 BZ
)	
Plaintiff,)	SETTLEMENT AGREEMENT
)	
v.)	
)	
\$75,511 IN UNITED STATES)	
CURRENCY,)	
)	
Defendant.)	

The parties stipulate and agree as follows:

1. Plaintiff is the United States of America ("United States"). Defendant is approximately \$75,511 in United States Currency ("defendant currency"). The United States filed a complaint on December 14, 2007. After proper notification and publication was given, the only person who filed an answer in this action is claimant Manuel Cabrera. As a result, only claimant Cabrera has a right to defend defendant property. The United States and claimant Cabrera are hereafter referred to as the "parties" in this document which is hereinafter referred to as the "Settlement Agreement" or "Agreement."

2. The parties agree that the resolution of the lawsuit is based solely on the terms stated in this Settlement Agreement. It is expressly understood that this Agreement has been freely and voluntarily entered into by the parties. The parties further agree that there are no express or implied terms or conditions of settlement, whether oral or written, other than those set forth in this Agreement. This Agreement shall not be modified or supplemented except in writing signed by the parties. The parties have entered into this Agreement in lieu of continued protracted litigation and District Court adjudication.

3. The parties further agree that this Settlement Agreement does not constitute precedent on any legal issue for any purpose whatsoever, including all administrative proceedings and any lawsuits.

4. This settlement is a compromise over disputed issues and does not constitute any admission of wrongdoing or liability by any party.

5. The parties have agreed that the United States will return \$15,000⁰⁰ (plus all interest accrued on that amount) of the defendant currency to Cabrera. The return of \$15,000⁰⁰ shall be in full settlement and satisfaction of any and all claims by Cabrera, his heirs, representatives and assignees to the defendant currency. Cabrera, his heirs, representatives and assignees, shall hold harmless the United States, any and all agents, officers, representatives and employees of same, including all federal, state and local enforcement officers, for any and all acts directly or indirectly related to the seizure of defendant currency and the facts alleged in the Complaint for Forfeiture filed on or about December 14, 2007.

6. Cabrera agrees that sufficient evidence exists to establish forfeiture of the remainder of the defendant currency (\$ 60,511⁰⁰ plus all interest accrued on that amount), pursuant to Title 21, United States Code, Section 881(a)(6), and consents to the forfeiture of the remainder of the defendant currency to the United States without further notice to him. Cabrera further relinquishes all right, title and interest in the remainder of the defendant currency, and agrees that said property shall be forfeited to the United States and disposed of according to law by the United States.

7. The United States and Claimant agree that each party shall pay its own attorneys'

1 fees and costs.

2 8. Based on the foregoing Settlement Agreement between the United States,
3 claimant Cabrera, the Parties agree that, subject to the Court's approval, this action be and hereby
4 is DISMISSED and that the proposed JUDGMENT OF FORFEITURE which is submitted with
5 this Settlement Agreement be entered.

6
7 IT IS SO STIPULATED:

JOSEPH P. RUSSONIELLO
United States Attorney

8
9
10 Dated: February 24, 2009


DAVID COUNTRYMAN
Assistant United States Attorney

11
12
13 Dated: February 24, 2009


AUSTIN THOMPSON
Attorney for Claimant Manuel Cabrera

14
15
16
17 Dated: February 24, 2009


MANUEL CABRERA
Claimant

18
19
20 BASED ON THE FOREGOING STIPULATION, IT IS SO ORDERED ON THIS 24th
21 DAY OF February, 2009.

22
23
24 
HONORABLE BERNARD ZIMMERMAN
25 United States District Judge
26
27
28